

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI

RULE 16.1(A) INITIAL ORDER

The above captioned cause is set for a **TELEPHONIC CASE MANAGEMENT CONFERENCE (CMC)** in **GULFPORT** before:

Chief Magistrate Judge John M. Roper
2012 15th St., Suite 870
Gulfport, MS 39501
(228) 563-1779 (Gulfport)
(228) 563-1789 (fax)
roper_chambers@mssd.uscourts.gov

Unless otherwise agreed, it shall be the responsibility of counsel for the plaintiff to set up the conference call at the scheduled time. PLEASE CALL (228) 563-1779 in Gulfport.

No later than twenty one (21) days prior to the CMC, counsel shall confer regarding all matters set forth in Local Rule 16.1(B)(1) and exchange pre-discovery disclosure pursuant to Rule 26.1 (A) (1)(a) of the Uniform Local Rules of this Court.

No later than fourteen (14) days after the attorney conference, seven (7) days prior to the CMC, counsel shall submit a proposed case management order (attached) to the judge only. This submission shall **not** be filed with the Clerk of Court. By the same deadline, counsel shall also submit a Confidential Memorandum (3 page maximum) setting forth a brief explanation of the case, and a candid appraisal of the respective positions, including possible settlement figures. Counsel will also furnish in their memorandum a good faith estimate of the expense of carrying the litigation through trial and the appellate process, if not settled, and will have discussed these costs with their respective clients. These memoranda are **not** to be exchanged and will be viewed only by the Court. Further, these memoranda shall **not** be filed with the Clerk of Court.

Upon receipt and examination of the proposed case management order and confidential memoranda, the Court will determine if the case management conference will remain telephonic, will be converted to an in-person conference, or a case management order will be entered based upon the submissions of the parties. If the parties consent to trial by Magistrate Judge, the attached consent form must be executed and submitted with the proposed case management order.

THE FAILURE OF ANY PARTY TO TIMELY SUBMIT THE PROPOSED CASE MANAGEMENT ORDER AND CONFIDENTIAL MEMORANDA SHALL REQUIRE ATTENDANCE IN PERSON BY ALL DEFAULTING COUNSEL AT THE CASE MANAGEMENT CONFERENCE. ALL ATTORNEYS OF RECORD FOR THE DEFAULTING PARTY SHALL BE REQUIRED TO ATTEND AND THE CONFERENCE SHALL NOT BE SUBJECT TO RESCHEDULING. SANCTIONS WILL BE IMPOSED AT THE CONFERENCE.

At the case management conference, the Court and the parties shall:

1. Identify the principal factual and legal issues in dispute;
2. Identify the alternative dispute resolution procedure which counsel intend to use, or report specifically why no such procedure would assist in the resolution of the case;

3. Indicate whether all parties consent to jurisdiction by a magistrate judge;
4. Review the parties' compliance with their disclosure obligations and consider whether to order additional disclosures;
5. Determine whether to order early filing of any motions that might significantly affect the scope of discovery or other aspects of the litigation, and provide for the staged resolution, or bifurcation of issues for trial consistent with 42(b) Fed.R.Civ.P.;
6. Determine the plan for at least the first stage of discovery; impose limitations on each discovery tool, time periods and other appropriate matters;
7. Discuss the timing for the Rule 16.1(C) settlement conference;
8. Discuss scheduling and set appropriate scheduling deadlines including dates for settlement conference, completion of discovery, motions, final pretrial conference and trial. The parties should be prepared to discuss prior conflicts with the trial date.
9. Verify that counsel are registered for electronic document filing and are familiar with the Administrative Procedures for Electronic Filing.

A case management order shall be entered by the Court within ten (10) days of the conference. A case management order form is attached. The parties **shall not** complete the scheduling order (page 2) until the CMC. The Uniform Local Rules and a case management time line are available on the court website at www.mssd.uscourts.gov.

UNITED STATES MAGISTRATE JUDGE

Date: January 8, 2009

s/John M. Roper, Sr.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI

_____ DIVISION

PLAINTIFF(S)

VERSUS

CIVIL ACTION NO. _____

DEFENDANT(S)

CASE MANAGEMENT ORDER

This case management order can be modified only by order of the Court upon a showing of good cause. IT IS HEREBY ORDERED:

1. Case Track

_____ The case is assigned to the Standard Track.
_____ The case is assigned to the Complex Track.

2. Disclosure

_____ The initial disclosure requirements are complete.
_____ The following additional disclosure is ordered.

3. Early Filing of Motions

4. Specific Discovery Provisions or Limitations

Interrogatories, request for production and admissions are limited to _____ of each.
Depositions are limited to parties, experts and no more than _____ fact witnesses.

- _____ a. Plaintiff must execute a waiver of medical privilege.
_____ b. Defendant may have a local IME (within subpoena range of Court) with a doctor who has not examined plaintiff. IME must be completed in time to comply with expert designation deadlines.
_____ c. Other _____

5. Consent to Trial by Magistrate Judge

_____ The parties consent to trial by Magistrate Judge.
_____ The parties do not consent to trial by Magistrate Judge.

6. Scheduling Order

- a. ORDERED that MOTIONS for joinder of parties or amendments to the pleadings shall be filed on or before _____.
- b. ORDERED that all the PLAINTIFF'S EXPERTS shall be designated on or before _____.
- c. ORDERED that all the DEFENDANT'S EXPERTS shall be designated on or before _____.
- d. ORDERED that all DISCOVERY shall be completed on or before _____.
- e. ORDERED that all MOTIONS, including Daubert motions, shall be filed by _____. The deadline for in limine motions is ten (10) days before the pretrial conference, with responses due five (5) days before the pretrial conference.
- f. ORDERED that the SETTLEMENT CONFERENCE in this case is _____.
- g. ORDERED that the PRETRIAL CONFERENCE in this case is _____.
- h. ORDERED that this case is set for _____ (jury or non-jury) TRIAL :
 - a. on a day certain beginning _____ or;
 - b. during a trial calendar scheduled _____.Estimated time of trial is _____ days.
- i. CONFLICTS: _____.
(The court will only consider conflicts specified in this ORDER)

SO ORDERED this the _____ day of _____, 2005.

UNITED STATES MAGISTRATE JUDGE

s/ _____

UNITED STATES DISTRICT COURT

District of _____

Plaintiff
V.

NOTICE, CONSENT, AND ORDER OF
EXERCISE OF JURISDICTION BY A UNITED
MAGISTRATE JUDGE

Case

Defendant

NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE TO EXERCISE JURISDICTION

In accordance with the provisions of 28 U.S.C. §636(c), and Fed.R.Civ.P. 73, you are notified that a United States magistrate judge of this district court is available to conduct any or all proceedings in this case including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge shall be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of this district court.

CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE

In accordance with provisions of 28 U.S.C. §636(c) and Fed.R.Civ.P. 73, the parties in this case consent to have a United States magistrate judge conduct any and all proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

| Party Represented | Signatures | Date |
|-------------------|------------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

ORDER OF REFERENCE

IT IS ORDERED that this case be referred to _____
United States Magistrate Judge, to conduct all proceedings and order the entry of judgment in accordance with 28 U.S.C. §636(c) and Fed.R.Civ.P. 73.

Date

United States District Judge

NOTE:

RETURN THIS FORM TO THE CLERK OF THE COURT ONLY IF ALL PARTIES HAVE CONSENTED
ON THIS FORM TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE.